

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1215

DWAYNE EVANS; AMANDA EVANS; DWAYNE BRYAN
EVANS,

Plaintiffs - Appellants,

versus

THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION;
ARTHUR GRIFFIN, JR., individually and as
chairperson; WILHELMENIA REMBERT, DR.; JOHN W.
LASSITER; LARRY GAUVREAU; VILMA D. LEAKE, DR.;
GEORGE R. DUNLAP; LOUISE S. WOODS; MOLLY
GRIFFIN; LEE KINDBERG, DR., individually and
as board members; JAMES L. PUGHSLEY, DR.,
individually and as superintendent; LOUIS H.
LAYNE, DR., individually and as regional
superintendent; HOMER TOWNSEND, individually
and as principal; A. B. CRANK, individually
and as assistant principal; ASHLY KIMBER,
individually and as teacher; CYNTHIA JOHNSON,
individually and as police officer; H.
ETIENUE,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Graham C. Mullen, Chief
District Judge. (CA-03-355)

Submitted: June 9, 2005

Decided: June 14, 2005

Before NIEMEYER and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Dwayne Evans, Amanda Evans, Dwayne Bryan Evans, Appellants Pro Se.
James G. Middlebrooks, Mark Weston Johnson, HELMS MULLISS & WICKER,
PPLC, Charlotte, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellants seek to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing their civil rights complaint. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's judgment was entered on the docket on January 20, 2005. The notice of appeal was filed on February 23, 2005. Because Appellants failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED